

Comment Info: =====

General Comment:Re: Docket ID AMS-FV-07-0090

Federal Register pages 56678-56680, vol. 72, no. 192, October 4, 2007 Dear USDA Agriculture Marketing Service, Thank you for the opportunity to comment on the Advance Notice of Proposed Rulemaking for a Marketing Agreement for Leafy Greens. I am concerned with the proposed rulemaking for several reasons. First, I believe that neither a Marketing Agreement nor a Marketing Order are appropriate models when seeking to protect food safety on a national scale. Both models would allow a small board of processors and handlers to set the rules for all farms in the nation who wish to sell their vegetables to processors. It puts disproportionate power in the hands of large operations and corporations, who would most likely be represented on these boards. This board would be given the government-sanctioned authority to dictate the growing practices for all other farms?large or small?in the nation, which I believe to be an inappropriate model and level of authority. I am also concerned that appropriate guidelines, suitable for small as well as large farms, have not yet been developed. I encourage the USDA to delay the implementation of federal standards until scientifically proven methods for reducing E. coli 0157 contamination have been demonstrated. The California Leafy Green Marketing Agreement (LGMA) guidelines have already been implicated in two recalls, showing that more research is needed before a set of uniform standards can be required throughout the nation.

Furthermore, federal regulations would discriminate against many farmers who employ organic farming practices and farmers who promote biodiversity on farms, as has been the experience with the California guidelines. The adoption of such rules on a national level would harm the environment, and more environmentally friendly guidelines must be developed if they are to be mandated nationally. I would also like to note that the risk of E. coli 0157 contamination comes predominantly from ?fresh cut? lettuce and spinach?the pre-washed, pre-cut bags of greens that have recently become so popular. Therefore, even if the USDA were to require standardized growing practices, it should apply only to large-scale suppliers of ?fresh-cut? bags of leafy greens, and exclude whole leafy greens that have never been implicated in an E. coli 0157 outbreak, such as kale, arugula, and chard. A one-size-fits-all approach is totally inappropriate in addressing this important health and environmental rulemaking proposal. If federal guidelines were to be enacted, there should be an exemption based on scale?small-scale farmers should not have to follow the same rules as large-scale operations that have been responsible for past widespread contamination. Moreover, exemptions should exist for traditional farmers selling locally and for farmers with organic certification. Although no fresh food production is risk free, the smaller operations, with hands-on management, pose an infinitely smaller risk to the nation?s citizenry. Finally, I oppose the proposed Marketing Agreement because it would likely be costly and overly burdensome to small- and medium-scale growers and could potentially drive these farmers out of business. As a consumer of leafy greens and a supporter of environmentally sustainable, local food systems, I urge the USDA to not support one-size-fits-all requirements that would dictate to farmers how to grow their vegetables, especially when such guidelines are not evidence based and are written by and for large-scale operations?farms, that based on past experience, might very well need additional regulatory oversight. Thank you for your consideration.

Sincerely,

Richard Copeland